EXHIBIT A

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL, Petitioners, vs. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, Respondent.	Case No: 5:07-CV-05158-JF APPENDIX IN SUPPORT OF STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL'S MOTION TO COMPEL FURTHER RESPONSES TO DISCOVERY REQUESTS Date: August 27, 2008 Time: 9:30 A.M. Dept: Courtroom 4, 5th Floor Judge: Hon. Jeremy Fogel Magis. Judge: Hon. Richard Seeborg
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Petitioner and Counter-Respondent, vs. STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Respondents and Counter-Petitioners.	Case No: 5:08-CV-00213-JF Judge: Hon. Jeremy Fogel

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SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Petitioner, vs. STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Respondents.	Case No: 5:08-CV-00215-JF Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Petitioner, vs. STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Respondents.	Case No: 5:08-CV-00216-JF Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Petitioner, vs. STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Respondents.	Case No: 5:08-CV-01726-JF Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Petitioner, vs. STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Respondents.	Case No: 5:08-CV-01727-JF Judge: Hon. Jeremy Fogel

Stanford Hospital And Clinics And Lucile Packard Children's Hospital (the "Hospitals") submit this Appendix in support of their motion to compel responses to requests for production of documents ("RFPs") propounded on Service Employees International Union, Local 715. Civil Local Rule 37-2 requires a motion to compel to set forth each request and disputed response in full and for each request detail the basis for the party's contention that it is entitled to receive the requested discovery. Due to the large number of disputed discovery responses, the Hospitals are setting forth the requests, responses and arguments pertaining thereto in this Appendix, while the Memorandum of Points and Authorities in support of the Motion sets forth the Hospitals arguments in a more summary fashion.

REQUEST FOR PRODUCTION NO. 1:

Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. The Request is vague as to the meaning "identification of counsel representing Local 715 regarding issues which are the subject of the COMPLAINT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the

First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time of trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in

the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local

715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the identity of legal counsel representing Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. For example, the Hospitals are in possession of letters to and from persons purporting to represent Local 715 on the issue of the identity of those providing legal representation to Local 715 and the nature of such representation. [Declaration Of Eileen Ridley In Support Of Motion To Compel ("Ridley Decl.") Exh. XX.] None of these letters were produced. It is likely that there are other documents not specifically known to the Hospitals, which

were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 2:

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30, 2005 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is also vague as to the meaning of "present or future representative capacity of Local 715 regarding employees of Respondent from June 30, 2005 to the present." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including the time of trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding

to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law

governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to representative status of Local 715 with respect to persons employed by the Hospitals. This is among the topics that the Court approved as proper areas for discovery.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. For example, the Hospitals are in possession of letters and e-mails to an from persons purporting to represent Local 715 pertaining to the issue of Local 715's representation of Hospital employees. The Hospital is also in possession of statements made on Local 715's website pertaining to the representation of Hospital employees. [Ridley Decl. Exh XX.] There are also internal SEIU documents bearing on the representation issue. [Ridley Decl. Exh CCC.] None of the above-referenced documents were produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 3:

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 521, whether by that name or by other reference to the

entity which became LOCAL 521 when chartered by SEIU International, regarding any employees of RESPONDENT from June 30, 2005 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is also vague as to the meaning of "the present or future representative capacity of Local 521, whether by name or by other reference to the entity which became Local 521 when chartered by SEIU, International, regarding any employees of Respondent from June 30, 2005 to present." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as

statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First

Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide

any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to representative status of Local 521 with respect to persons employed by the Hospitals, which necessarily bears on the representative status of Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of internal SEIU documents bearing on the representation issue, and specifically, the merger of Local 715's functions into Local 521. [Ridley Decl. Exh CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 4:

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30 2005 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot

provide a complete response to this Request. This Request is also vague as to the meaning of "the present or future representative capacity of SEIU-UHW regarding any employees of Respondent from June 30, 2005 to present." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or

oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents,

communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the representative capacity of UHW with respect to persons employed by the Hospitals, which necessarily bears on the representative capacity of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of internal SEIU documents bearing on the representation issue, and specifically, the "servicing" of Hospital employees by UHW, and the contemplated or actual merger of Local 715's functions into UHW. [Ridley Decl. Exh CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 5:

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU International official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of the "status of Local 715". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible

evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple

periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response

to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to communications relating to the existence and status of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters on the subject of the existence and representative capacity of Local 715, which were copied to an attorney for the international. [Ridley Decl. Exh

XX.] These documents were not produced by Local 715. Additionally, among the documents produced by Local 715 is a memorandum from SEIU International President Andrew Stern which references a "request from the officers and Executive Board of Local 715" requesting the imposition of an emergency trusteeship over Local 715. [Ridley Decl. Exh CCC.] This report was not produced. from It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 6:

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal

financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in

the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local

715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to communications relating to the existence and representative status of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters and e-mails from persons representing Local 715 that were also sent to employees of UHW. [Ridley Decl. Exh XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 7:

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and

vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested

documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the

court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, the Hospitals note that there were statements posted on the website of Local 521 indicating that Local 715, or parts of it, had been absorbed into Local 521. [Ridley Decl. Exh AAA.] Local 715 also made statements on its website that it was being absorbed into Local 521. [Ridley Decl. Exh ZZ.] Therefore, there should be some (if not a great deal) of documents reflecting communications between the organizations that are responsive to this request. Such documents must be produced.

REQUEST FOR PRODUCTION NO. 8:

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning "between YOU and any LOCAL 715 official and/or representative" and as to "the status of LOCAL 715". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome,

oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is

withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare

assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court approved as proper areas for discovery.

REQUEST FOR PRODUCTION NO. 9:

Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any funds (including, without limitation, dues payments) RELATING TO LOCAL 715 (including, without limitation, all deposits, payments and transfers of said funds) from January 2007 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "handling of any funds". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment")

and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and to the resources of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of LM-2 reports filed with the Department of Justice by Local 715, which detail many aspects of the handling of Local 715's funds. [Ridley Decl. Exh DDD & EEE.] These reports were not produced by Local 715, nor were the underlying documents upon which the report was based. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 10:

Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of LOCAL 715 from January 2006 to the present (including, without limitation, all reports and monitoring activities of said affairs and transactions).

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "affairs and transactions of LOCAL 715" and "all reports and monitoring activities of said affairs and transactions." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome,

oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is

withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare

assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the affairs and transactions of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of LM-2 reports filed with the Department of Justice by Local 715, which detail many aspects of the handling of Local 715's funds. [Ridley Decl. Exh DDD & EEE.] These reports were not produced by Local 715, nor were the underlying documents upon which the report was based. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 11:

Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of a trusteeship for LOCAL 715 from January 2007 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution,

and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. Subject to and without waiving any objections, Petitioner produces SEIU0001 to SEIU0009 and SEIU0029 to SEIU0034.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject

of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to

support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has approved discovery on these issues.

Finally, there appear to be responsive documents that were not produced by Local 715. Among the documents produced by Local 715 is a June 8, 2007 memorandum from SEIU International President Andrew Stern that references "a request from the officers and Executive Board of Local 715" requesting the imposition of a trusteeship over the local. [Ridley Decl. Exh CCC.] The documents pertaining to this request were not produced by Local 715. It is likely that there are other documents not specifically known

to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 12:

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 715's status (including existence, termination or merger with or into another LOCAL), all references to LOCAL 715's funds, and all references to LOCAL 715's officers and/or trustees. This request specifically includes all versions of LOCAL 715's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. Finally, the requested documents are equally available to Respondent. Subject to and without waiving any objections, Petitioner produces SEIU0010 to SEIU0019.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify

and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act

("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that

may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of images of previous versions of Local 715's website. [Ridley Decl. Exh ZZ.] These documents were not produced by Local 715. Indeed, Local 715 has produced none of the website-related documents requested except for images, apparently from its current website. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 13:

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 521's status (including its creation,

existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers and/or trustees. This request specifically includes all versions of LOCAL 521's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974

(E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a

valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with

specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, the Hospitals note that there were statements posted on the website of Local 521 indicating that Local 715, or parts of it, had been absorbed into Local 521. [Ridley Decl. Exh AAA.] Therefore, to the extent that Local 715 is in possession of responsive documents, they must be produced.

REQUEST FOR PRODUCTION NO. 14:

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from January 1, 2006 to the present including, without limitation, all links from the website to other sites, all references to SEIU-UHW's status in any capacity as representative of any employees of RESPONDENT, and all references to SEIU-UHW's receipt of funds from SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot

provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would

experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties

to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court

approved as proper areas for discovery. Additionally, among the few documents produced by Local 715 is a "Servicing Agreement" between Local 715 and UHW calling for UHW to provide representational services for Local 715. Internal SEIU documents also reflect that the International adopted a plan to merge Local 715's former operations into UHW. [Ridley Decl. Exh CCC.] Finally, the Hospitals are in possession of images from UHW's website stating that UHW represents employees in the bargaining group formerly represented by Local 715. [Ridley Decl. Exh FFF.] There clearly is (or was) a relationship between Local 715 and UHW, and documents responsive to the request must be produced.

REQUEST FOR PRODUCTION NO. 17:

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and

without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected,

or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court approved as proper areas for discovery. Additionally, among the few documents produced by Local 715 is a "Servicing Agreement" between Local 715 and UHW calling for UHW to provide representational services for Local 715. Internal SEIU documents also reflect that the International adopted a plan to merge Local 715's former operations into UHW. [Ridley Decl. Exh CCC.] Finally, the Hospitals are in possession of images from UHW's website stating that UHW represents employees in the bargaining group formerly represented by Local 715. [Ridley Decl. Exh FFF.] There clearly is (or was) a relationship between Local 715 and UHW, and documents responsive to the request must be produced.

REQUEST FOR PRODUCTION NO. 18:

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU-UHW.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. Subject to and without waiving any objections, Petitioner produces SEIU0020 to SEIU0027.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.");

Ramirez v. City Of Los Angeles, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the

requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore

defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715, and legal representation provided to it. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of an internal SEIU report that references the Servicing Agreement, as well as letters to and from Local 715 referring to the Servicing Agreement. [Ridley Decl. Exh. XX & CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 19:

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the

discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible.

The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,

1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence, representative capacity, and legal services provided to Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 20:

Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This

request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled

that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply

assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here

at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the legal representation of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters to and from Weinberg Roger and Rosenfeld concerning the firm's representation of Local 715. [Ridley Decl. Exh. XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 21:

Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's representation of LOCAL 715 from January 2007 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to represent LOCAL 715.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the

discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible.

The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,

1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the legal representation of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters to and from Altshuler Berzon pertaining to the firm's

representation of Local 715. [Ridley Decl. Exh. XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 27:

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "exchange of funds". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding

to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law

governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and resources of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 28:

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and June 9, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "all notices of Executive Board meetings and/or Special Executive Board meetings". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege,

work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject

of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to

support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 31:

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007 including, without limitation, a list of those in attendance and those not in attendance at said meetings.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery

request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e.

work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it

against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 34:

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "annual budget and/or budgets". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding

to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law

governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and resources of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of LM-2 reports that Local 715 filed with the Department of Labor. [Ridley Decl. Exh. DDD- EEE.]These reports were not produced by Local 715, nor were the underlying documents that were used to generate the report produced. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 37:

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is

vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would

experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties

to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has

approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 40:

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as

statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First

Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide

any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to existence and resources of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 42:

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client

privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are

indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and resources of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 43:

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this

Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, without Petitioner produces SEIU0020 to SEIU0027.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and

unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any

privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to existence and representative status of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it

believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters and e-mails from representatives of Local 715 pertaining to the appointment of UHW employees to provide services to Local 715. [Ridley Decl. Exh. XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 45:

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employee of RESPONDENT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client

privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are

indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of and legal representation provided to Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 48:

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Stanford University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "representation." Petitioner objects on the ground that this Request exceeds the scope of

permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible.

The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,

1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to existence and representative status of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters to and from Local 715 or its representatives relating to Local

715's representation of employees, internal SEIU documents referencing Local 715's representation of Hospital employees and the transfer of such representative status to UHW, and images from Local 715's website containing statements relating to Local 715's representation of Hospital employees. [Ridley Decl. Exh. ZZ & CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

REQUEST FOR PRODUCTION NO. 49:

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Santa Clara University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "representation." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. Thomas v. Hickman, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); Ramirez v. City Of Los Angeles, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); Josephs v. Harris Corporation, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment")

and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. Thomas, supra, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. Ragge v. MCA Universal Studios, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 50:

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of any employee of LOCAL 1877 (or any other

LOCAL) to provide services". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf

of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*

Company v. United States District Court For The District Of Montana, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 51:

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or

other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request if vague as to the meaning of "assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.");

Ramirez v. City Of Los Angeles, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the

requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore

defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 52:

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to "and/or any other LOCAL". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify

and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act

("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that

may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 53:

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of

"and/or any other LOCAL". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf

of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*

Company v. United States District Court For The District Of Montana, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

REQUEST FOR PRODUCTION NO. 56:

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of

funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "exchange of funds." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

ARGUMENT

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled that all grounds for objection must be stated with specificity."); *Josephs v. Harris*

Corporation, 677 F.2d 985, 992 (3d Cir. 1982) ("The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request."). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals' discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is "vague, ambiguous, and unintelligible" on the grounds that "it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time." This objection is itself unintelligible. The fact that a request calls for documents that relate to "multiple parties" or "multiple periods of time" is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715's assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act ("NLRA") The First Amendment to the United States Constitution ("First Amendment") and unspecified "public policy grounds."

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to "public policy" without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a "public policy" might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must "describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) ("boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)").

Local 715 has not even attempted to produce this required "privilege log" to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*

MCA Universal Studios, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

Dated: July 10, 2008

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